

The Gazette of India

EXTRAORDINARY PART II—Section 2 PUBLISHED BY AUTHORITY

No. 39] NEW DELHI, FRIDAY, AUGUST 21, 1959/SRAVANA 30, 1881

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 21st August, 1959:—

BILL No. XIII of 1959

A bill to provide for better conditions of employment of persons engaged in household duties and to regulate hours of work, payment of wages, leave, etc.

Be it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Domestic Workers (Conditions of Employment) Act, 1959.

Short title,
extent and
commence-
ment.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. (1) Nothing in this Act shall apply to persons engaged in commercial or industrial establishments or undertakings or to any other category of employment to which an Act providing for minimum wages applies.

Application

(2) This Act shall not also apply to persons who are engaged purely and exclusively for the purpose of doing job work, such as, cleaning of utensils or washing of clothes.

Definitions.

3. In this Act, unless there is anything repugnant in the subject or context,—

(i) 'domestic worker' means a person employed regularly, by anyone, either full time or part time, to do the work of (a) cooking, (b) sweeping, (c) cleaning, (d) gardening, (e) tending domestic animals, (f) keeping children, or (g) driving vehicles or to do all or any of these works or other domestic work for the employer's own family;

(ii) 'employer' means a person who employs a domestic worker for the purposes mentioned in clause (i);

(iii) 'police officer' means a person in charge of a police station not below the rank of a sub-inspector.

Interpretation.

4. Words and expressions not defined in this Act shall have the meaning assigned to them in the Indian Penal Code, 1860.

XLV of
1860,

Intimation to police.

5. (1) Whoever employs a domestic worker shall intimate, either orally or in writing, to the nearest police station of his having done so within seven days of such employment.

(2) The employer shall, while giving the intimation, furnish to the officer in charge of the police station, the name, the native place, names and other details of the former employers, if any, and names of nearest relations, if any, of the domestic worker and such other particulars as the police officer may demand and the employer can gather.

Verification of details.

6. (1) The officer in charge of the police station shall maintain a register of domestic workers and enter therein the particulars furnished by the employer under section 5 and shall also obtain the signature of the employer in the register, if the intimation and the particulars have been given orally.

(2) The officer in charge of the police station or some one deputed by him shall call on the employer within three days of the registration and verify the details furnished earlier. He may also gather from the domestic worker such other details as he may require. He shall, in particular, record the following:—

(i) Height.

(ii) Identity marks.

(iii) Specimen signature or thumb impression.

(3) The police officer shall, after getting all the information mentioned in sub-sections (1) and (2), immediately write to the police station of the place of origin of the domestic worker and ask for verification of the details.

(4) The police officer to whom an inquiry under sub-section (3) has been addressed shall immediately verify whether the particulars mentioned in the communication are correct and shall intimate the result of such inquiry to the police officer addressing the communication.

7. (1) If the police officer who has originally addressed a communication under sub-section (3) of section 6 finds that the report he has received under sub-section (4) of the said section does not tally with the details given about the domestic worker, he shall duly intimate the fact to the employer concerned.

Action to be taken by the Police Officer.

(2) The police officer may also call on the employer and ascertain further particulars so as to establish the identity and *bona fides* of the domestic worker concerned.

(3) The police officer shall in all cases duly intimate to the employer the result of the inquiry, whether the report received by him under sub-section (4) of section 6 is satisfactory or not.

8. (1) Any police officer not below the rank of a sub-inspector shall have the right to make periodic inspections of residential quarters with a view to ascertaining whether any domestic worker working there has been duly registered or not.

Inspection by police.

(2) If the police officer finds that any domestic worker has not been registered, he shall call upon the employer concerned to get him registered within a week.

9. (1) Every domestic worker shall be allowed at least one full day's rest every week.

Weekly holidays.

(2) No deduction shall be made from the wages of any domestic worker on account of weekly holidays under sub-section (1).

10. (1) Wages of every domestic worker shall be paid within the first seven days of the next succeeding month.

Time and condition of payment of wages.

(2) Where the employment of a domestic worker is terminated by the employer, the wages earned by the domestic worker shall be paid within three days of the termination of employment.

11. (1) The minimum wage of a domestic worker under eighteen years of age shall be rupees thirty per month and over eighteen years of age rupees forty per month.

Wages and working hours.

(2) No domestic worker shall be made to work for more than ten hours in a day.

Wages during leave.

12. (1) Every domestic worker shall be entitled after twelve months' continuous employment to privilege leave with full wages for a total period of not less than fifteen days.

(2) A domestic worker shall be entitled to casual leave with wages for a total period of not less than twelve days every year:

Provided that where a domestic worker has completed a continuous period of four months' service, he shall be entitled to privilege leave of not less than five days for every such completed period:

Provided further that the domestic worker may, if the employer so desires, agree to receive payment in lieu of privilege leave provided for in sub-section (1).

Defaults and penalties.

13. (1) (a) An employer who fails to comply with the provisions of sub-section (2) of section 8, section 9 or section 10, shall be liable to a fine which may extend to twenty-five rupees;

(b) an employer who fails to comply with the provisions of section 11 or section 12, shall be liable to a fine which may extend to fifty rupees.

(2) All defaults under this section shall be cognizable.

Proceedings against the employer.

14. Any police officer not below the rank of a sub-inspector may take necessary proceedings against an employer for not complying with the provisions of this Act.

Power to make rules.

15. (1) The Central Government may make rules for the purpose of carrying into effect the provisions of this Act.

(2) All rules made under this section shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following.

Saving.

16. Nothing in this Act shall be construed so as to preclude the employer and the domestic worker from entering into a contract which would benefit the latter in material respects.

STATEMENT OF OBJECTS AND REASONS

A large number of workers are engaged for doing domestic jobs. Their conditions of service are not at all satisfactory. The Bill is intended to provide for the registration of domestic workers, to regulate their hours of work, payment of wages, conditions of service and leave, and to afford protection for the betterment and security of their service.

P. N. RAJABHOJ.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 15 empowers the Central Government to make rules for the purpose of carrying into effect the provisions of t proposed delegation of legislative power is of a norma

BILL No. XII OF 1959

A bill further to amend the Representation of the People Act, 1951.

BE it enacted by Parliament in the Tenth Year of the Republic of India as follows:—

1. (1) This Act may be called the Representation of the People (Amendment) Act, 1959. Short title
and extent.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

43 of 1951. 2. After section 7 of the Representation of the People Act, 1951, the following section shall be inserted, namely:— Insertion
of new
section 7A.

"7A. A person shall be disqualified for being a member of the House of the People or the Legislative Assembly of a State if at any time during the term of his office as such member, not less than two-thirds of the number of voters on the electoral rolls of the constituency from which he has been elected demands, in such manner as may be determined by the Election Commission in this behalf, the resignation by the member of his membership and a period of fifteen days has elapsed from the date on which such demand has been notified in the Official Gazette."

STATEMENT OF OBJECTS AND REASONS

According to the existing law a person who is elected either to the House of the People or to the Legislative Assembly of a State ordinarily remains a member of the House of the People or the Legislative Assembly of that State for the duration of the House irrespective of his actions as a member subsequent to his election. The electorate have no effective remedy even when their representative in the Legislature violates the pledges and promises made to the people at the time of the election and forfeits the confidence of the electorate. The continuance of such a person as a member weakens the representative character of the Legislature and offends against the sound principles of democracy. The principles underlying the sovereignty of the people are also adversely affected in such circumstances. This anomaly in our parliamentary system should be removed by giving the electorate the right to recall such representatives in a Legislature. The present Bill seeks to achieve this object.

BHUPESH GUPTA

S. N. MUKERJEE,
Secretary.